

§Appl. No. 10/688,887
Amdt. dated September 14, 2005
Reply to Office Action of, April 14, 2005

In the Drawings:

Please amend the drawings as follows:

Applicant proposes to amend Figs. 1 and 2 of the drawings to add reference numerals 15A and 15B to the upper and lower chambers created by the baffle 30 to separate filtered from unfiltered water.

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REMARKS/ARGUMENTS

Single independent claim 12 and claims 2-4, 6, 8-11, 13-16 remain in this application for examination.

Claims 1-11 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant's new independent claim 12 is a rewrite of claim 1 properly positioning the secondary filter and expressing limitations as structure. Moreover, the subject matter of claim 5 is now incorporated in claim 1 with the baffle being recited as extending inwardly from the peripheral wall.

Claims 1-11 have been rejected as obvious over Hutter, Jr. et al. Applicant respectfully traverses this rejection.

Clearly, Hutter, Jr. et al. '849 is directed to a different type of filtering arrangement, i.e., a filtering arrangement which is positioned in a storm drain to filter run-off water running from a structure such as a city street before the water is discharged into a larger body of water such as a river, lake or bay. Accordingly, it is not directed to a filter pit for receiving water from a catchment area and directing the water into a storage tank. The structure of Applicant's filter pit reflects this difference. More specifically, there is no disclosure in Hutter, Jr. et al. of a baffle inside the pit extending inwardly from the peripheral wall of the pit, nor is there a carrier supported by the baffle which carrier receives the secondary filter therein so as to suspend the secondary filter within the pit.

In addition, there is no disclosure of a carrier supported by the baffle which holds a tertiary filter above the floor of the pit. Rather, in Hutter, Jr. et al. there is in most embodiments a rack, such as the rack 14, which rests on shelves or inwardly expand extending flanges at the bottom of the housing 30. In the arrangement of Fig. 17, there are support structures for filter elements, however the support structures do not rest on a baffle which extends from the peripheral wall of the filter pit. Rather, in Hutter, Jr., the support structures have flanges which extend outside of the storm drain pit adjacent the mouth of the pit. Consequently, in Fig. 17 of Hutter, Jr. et al. all of the structure is not retained within the pit. Moreover, in Applicant's claimed invention, the tertiary filter is secured to a

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lower portion of the carrier and the secondary filter is secured to an upper portion of the carrier. In addition, in Hutter, Jr. et al. the primary filter 104 is not disposed above the carrier or to above the structure 134 which could be correspondent to the claimed baffles. Clearly, there are substantial structural differences between Applicant's claimed invention and Hutter, Jr. et al. which differences neither correspond to or are taught by or suggested by Hutter, Jr. et al. Accordingly, it is respectfully submitted that Applicant's claimed invention is not obvious in view of Hutter, Jr. et al. '849 and therefore the rejection under 35 U.S.C. §103(a) should be withdrawn.

Claims 1, 2, 4, 5, 7, 9 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by Capra '913, while claims 3, 6, 8 and 10 are rejected under 35 U.S.C. §103(a) as obvious over Capra '913. Applicant respectfully traverses these rejections.

It is respectfully submitted that Capra '913 does not disclose a carrier such as Applicant's carrier (31) that is "removably received on the baffle", wherein a secondary filter (37) is received by the carrier and held above a lower portion of the carrier and a tertiary filter (35) is secured to the lower portion of the carrier. A clear difference between Applicant's claimed invention and Capra '913 is that the supplemental wall 7 of Capra, which is the only structure which could correspond to the claimed carrier, is not removably received on a baffle, but is rather fixed to the wall of the casing 1.

The only structure in Capra which could be considered analogous to Applicant's claimed baffle 30 is the lower flared end 70 of the supplemental wall 7 which is unitary with the vertically elongated casing 1 of Capra (see marked up attachment of Capra's drawing). This lower flared end 7A of Capra is below the second filter 13A. In Applicant's claimed invention as is set forth in claim 15, the baffle 30 is positioned above the secondary filter 40.

Clearly, claims 1, 2, 4, 5, 7, 9 and 11 has limitations not disclosed in Capra '913. Consequently, the rejection of these claims as anticipated under 35 U.S.C. §102(b) by Capra should be withdrawn.

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With respect to the rejection of claims 3, 6 and 8 under 35 U.S.C. §103(a) as obvious over Capra '913, Applicant respectfully submits that the rejection has not established that claim 1 is obvious over Capra, so whatever claims 3, 6 and 8 show, the rejection does not cure the deficiencies of Capra as a reference against claim 1.

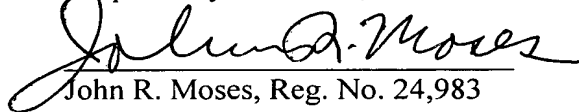
While claim 1 has not been rejected as obvious over claim 1, it is respectfully submitted that claim 1 is not obvious. In Applicant's claimed arrangement, the secondary and tertiary filters are mounted on a removable carrier (31) instead of a fixed carrier such as the partition wall 7 of Capra. This is an important distinction because Applicant's claimed pit is usually mounted in the ground, as is shown in Fig. 1, as opposed to resting on a floor or table with a flanged base 2 which is the case in Capra. Having an arrangement where the filters 40 and 35 are mounted on a removable rather than a fixed carrier, greatly improves the ease of cleaning and changing filters.

In that this is a full and complete response to the Office Action of April 14, 2005, this application is now in condition for allowance. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned locally.

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The Commissioner is hereby authorized to charge any fees associated with this response
or credit any overpayment to Deposit Account No. 13-3402.

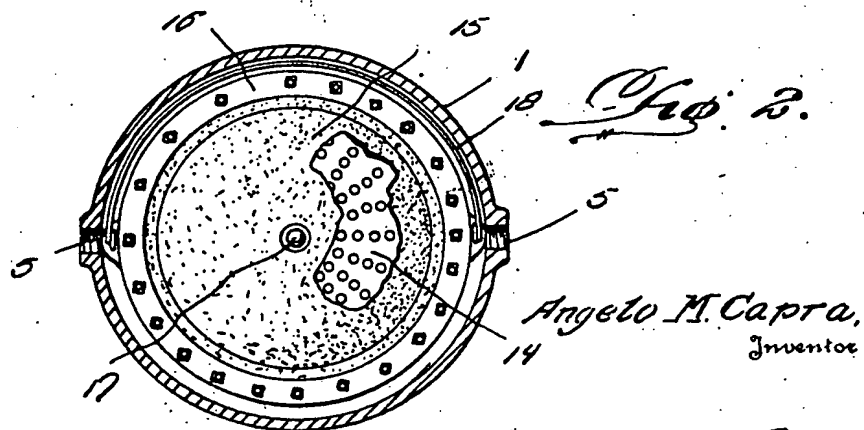
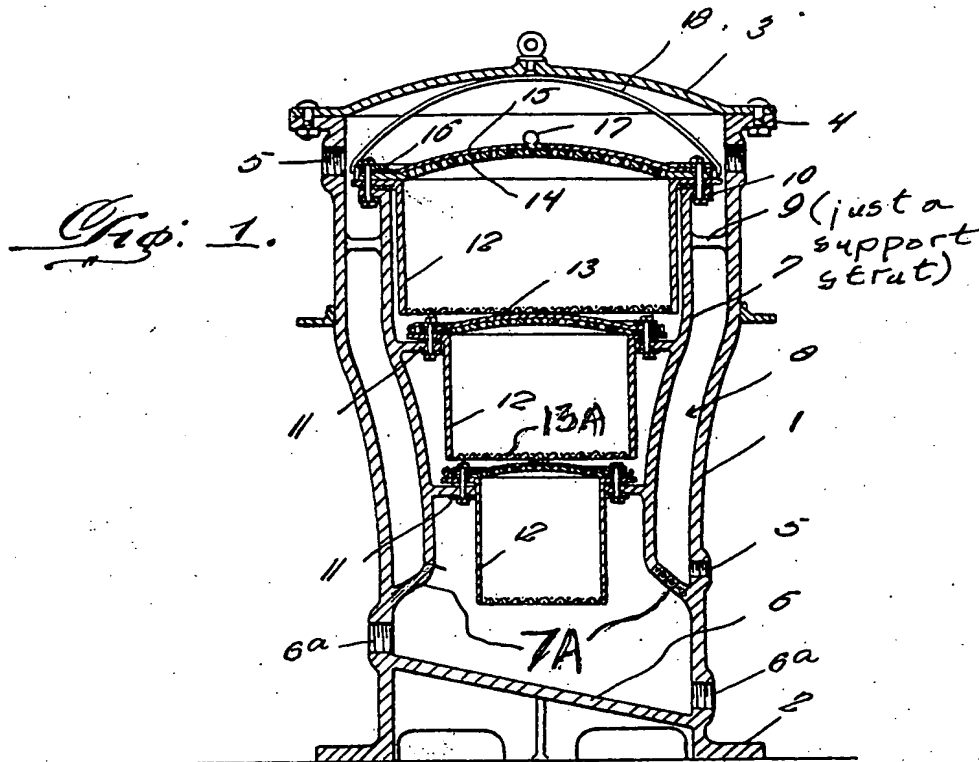
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John R. Moses", is written over a horizontal line.

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